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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/910,544 | 07/20/2001 | Roberto Ayala | YOR920010274US1/I31-0004 | 2135 |

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Philmore H. Colburn II
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002

EXAMINER

MCALLISTER, STEVEN B

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,544

Applicant(s)

AYALA ET AL.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 54-69, 51 and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 54 and 62 recite that the supplier capability statements are received by "enterprise sites" and are forwarded by the sites. As understood by the examiner, the original disclosure does not show the statements being sent to a plurality of enterprise sites, being forwarded by a plurality of enterprise sites. (see e.g., Spec. p.12, lines 12-19).

Claims 54 and 62 recite that a constrained forecast is generated which is "specific to each of the enterprise sites". However, as understood by the examiner, the original disclosure does not show this feature. As understood by the examiner, the specification contemplates a forecast perhaps specific to a group which may be distributed over several sites, but does not appear to contemplate breaking it down further to each site (see e.g., pgs. 11-13).

Claims 56 and 64 recite that the unconstrained forecast is made "for each enterprise site". However, as understood by the examiner, the original disclosure does not show this feature. It appears that the unconstrained forecast is made for the group as a whole (e.g., p.12, lines 1-10).

Claims 58 and 66 recite that the capability statements include the greatest amount of material each supplier can make "available to corresponding enterprise sites". (It is noted that "corresponding enterprise sites" is assumed to refer back to the "each of the enterprise sites" recited in claim 54.) However, as understood by the examiner, the original disclosure does not show this feature. They do not appear to be made to this degree of detail.

The original disclosure does not disclose the above-mentioned claimed features so that one of ordinary skill in the art would understand that the inventor had possession of them at the time of application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-69 are rejected under 35 U.S.C. 103(a) as being obvious over Lidow (2003/0194057).

As to claims 54 and 62, Lidow shows aggregating demand received by an enterprise server, from enterprise site (comprising customers associated with the enterprise), the demand comprising materials requirements from each site (see e.g., par. 0018, lines 1-5); generating an unconstrained forecast from the aggregating (comprising summing the demand forecasts from the customers as in par. 0018, lines 5-8); transmitting the unconstrained forecasts to the suppliers (e.g., par. 0018, 8-11; par. 0019, 1-3); receiving supplier capability statements from the from the suppliers; generating a constrained forecast; and transmitting the constrained forecast to the suppliers. Lidow does not show that the received supplier capability statements are forwarded by the enterprise site. However, forwarding a supplier capability statement is notoriously old and well known in the art. It would have been obvious to one of ordinary skill of the art to modify the method of Lidow by having the supplier capability statements forwarded by the enterprise site in order to keep the group "in the loop" regarding supplier status.

Alternatively, as to claims 54 and 62 Lidow shows aggregating demand received by an enterprise server, from enterprise site (comprising customers associated with the enterprise), the demand comprising materials requirements from each site (see e.g., par. 0018, lines 1-5); generating an unconstrained forecast from the aggregating (comprising summing the demand forecasts from the customers as in par. 0018, lines 5-8); transmitting the unconstrained forecasts to the suppliers (e.g., par. 0018, 8-11; par. 0019, 1-3); receiving supplier capability statements from the from the suppliers; generating a constrained forecast; and transmitting the constrained forecast to the

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suppliers. Lidow does not show that the received supplier capability statements are forwarded by the enterprise site. However, it would have been an obvious matter of design choice to have the suppliers send it to the enterprise site and then have it forwarded, since the specification does not state that this particular method of transmission is for a particular purpose or solves any particular problem, and it appears that the method would function equally well either way.

As to claim 51, Lidow does not explicitly show providing a formal commitment to produce the supply. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of Lidow by providing a formal commitment in order to provide evidence of a meeting of the minds and to clarify communications.

As to claims 52, 55, 57, 63, and 65, it is noted that Lidow shows all elements.

As to claims 59-61, and 67-69, Lidow shows all elements except using a constraint based optimization tool running a squared set analysis; producing a squared set build plan; and inputting the build plan into an MRP tool. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of Lidow by using a constraint based optimization tool running a squared set analysis; producing a squared set build plan; and inputting the build plan into an MRP tool in order to produce a material needs forecast.

As to claim 53, Lidow shows all elements except using an MRP system to generate the forecasts. However, it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the arts to modify the method of Lidow by using an MRP system to generate the forecasts in order to provide for more efficient use of resources.

Response to Arguments

Applicant's arguments filed 3/16/2005 have been fully considered but they are not persuasive.

Applicant argues that the 103 rejection of claims 54 and 62 are improper because Lidow is not drawn to a single enterprise dealing with suppliers. The examiner respectfully disagrees. As claimed, an enterprise and enterprise sites are claimed. It is not claimed that they are part of the same enterprise.

Applicant further argues that the 103 rejection is improper because Lidow does not show sending an unconstrained forecast to the suppliers. The examiner respectfully disagrees and notes paragraphs 0018-0020.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

Steven B. McAllister
Primary Examiner
Art Unit 3627

STEVE B. MCALLISTER
PRIMARY EXAMINER